

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 735 of 2018

Applicant :- Pawan Kumar

Opposite Party :- Dheeraj Sahu Posted As The Registrar/Housing Commissioner

Counsel for Applicant :- Vaibhav Srivastava

Counsel for Opposite Party :- Rakesh Kumar Chaudhary

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Vaibhav Srivastava, learned counsel for the petitioner and Sri Rakesh Kumar Chaudhary, learned counsel for the opposite parties.

2. Sri Chaudhary has drawn attention of this Court towards the affidavits of compliance filed on 21/30.05.2018 and 14/15.10.2019 filed by the then Housing Commissioner/Registrar, Uttar Pradesh Avas Evam Vikas Parishad, Lucknow. Sri Chaudhary has shown the order dated 16.05.2018 passed by Sri Dheeraj Shahu, the then Housing Commissioner/Registrar, Avas Evam Vikas Parishad, Lucknow, whereby he has constituted 3 members committee to carry out the required exercise in terms of the order of Writ Court.

3. Sri Chaudhary has further drawn attention of this Court towards order dated 11.10.2019 passed by Sri Ajay Chauhan, the then Housing Commissioner/Registrar, Avas Evam Vikas Parishad, Lucknow passing reasoned order, considering the order of Writ Court as well as the factual and legal aspect of the issue. Both the aforesaid orders have been enclosed with the respective affidavits of compliance.

4. Learned counsel for the petitioner has stated that the order dated 10.10.2019 has not been passed strictly in accordance with law and the observations of the authority concerned vide order dated 11.10.2019 are perverse, inasmuch those facts have been indicated which were not relevant for the issue in question and reference of some facts have been given which have already been supplied/informed to the authority concerned. As per learned counsel for the petitioner, the order dated 11.10.2019 is not sustainable in the eyes of law and by means of aforesaid order, the direction of the Writ Court has been circumvented.

5. Be that as it may, if in compliance of the order of Writ Court, whereby the Writ Court has categorically indicated that the Writ Court has not been entering into the merits of the issue and

strictly issued direction to the Registrar to decide the application of the petitioner by affording opportunity of hearing to the parties. The order dated 11.10.2019 refers that the opportunity of hearing was provided, so the validity or authenticity of the aforesaid order may not be tested by the Contempt Court, inasmuch as the validity or authenticity of the order may be tested by the competent court of law.

6. Therefore, for the aforesaid reason, the present contempt petition is ***dismissed***.

7. Notices, if any, are discharged.

8. However, it is always open for the petitioner to challenge the order dated 11.10.2019 (supra), if the petitioner feels himself aggrieved. Needless to say that since this contempt petition has been decided today, therefore, the petitioner may very well explain the delay and laches, if the aforesaid order is challenged before the Competent Court of law.

[Rajesh Singh Chauhan,J.]

Order Date :- 6.12.2023

kkv/